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*Attorneys for Plaintiff City of Spokane*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

CITY OF SPOKANE, a municipal  
corporation located in the County of  
Spokane, State of Washington,

Plaintiff,

v.

MONSANTO COMPANY, SOLUTIA  
INC., and PHARMACIA  
CORPORATION, and DOES 1 through  
100.

Defendants.

Case No.: 2:15-cv-00201-SMJ

**LAND DECLARATION IN SUPPORT  
OF PLAINTIFF'S RESPONSES TO  
DEFENDANTS' DAUBERT MOTIONS**

Hearing: March 12, 2020  
Without Oral Argument

1 I, Brett Land, declare and state under penalty of perjury:

- 2 1. I am over the age of 18 and competent to be a witness herein. I am an attorney for City  
3 of Spokane (“Plaintiff” or “City”) in this matter. Except where indicated otherwise, I  
4 make this declaration based on my own personal knowledge and the books and records  
5 of my firm Baron & Budd, P.C.  
6
- 7 2. Attached as **Exhibit 1** is a true and correct copy of the Expert Report of David Dilks,  
8 Ph.D. in the Matter of City of Spokane v. Monsanto Co., et al., dated October 10, 2019.  
9
- 10 3. Attached as **Exhibit 2** is a true and correct copy of the deposition transcript of David  
11 Dilks, Ph.D., taken on January 23, 2020.  
12
- 13 4. Attached as **Exhibit 3** is a true and correct copy of an article by Caitlin E. Shanahan, et  
14 al. (2015), entitled “Inventory of PCBs in Chicago and Opportunities for Reduction in  
15 Airborne Emissions and human Exposure.”  
16
- 17 5. Attached as **Exhibit 4** is a true and correct copy of “Evaluation of PCB sources and  
18 releases for identifying priorities to reduce PCBs in Washington State (USA),” by Holly  
19 Davies, et al., (2015).  
20
- 21 6. Attached as **Exhibit 5** is a true and correct copy of “Control of Toxic Chemicals in  
22 Puget Sound,” Publication No. 11-03-024, by the State of Washington Department of  
23 Ecology, dated November 2011.  
24
- 25 7. Attached as **Exhibit 6** is a true and correct copy of certain pages from the deposition of  
26 Lisa A. Rodenburg, Ph.D. dated December 18, 2019.  
27

- 1 8. Attached as **Exhibit 7** is a true and correct copy of National Functional Guidelines for  
2 High Resolution Superfund Methods Data Review by U.S. EPA, EPA 542-B-16-001  
3 (April 2016).  
4
- 5 9. Attached as **Exhibit 8** is a true and correct copy of Source Apportionment of  
6 Polychlorinated Biphenyls in Atmospheric Deposition in the Seattle, WA, USA Area  
7 Measured with Method 1668, by Lisa A. Rodenburg, et al., July 2019.  
8
- 9 10. Attached as **Exhibit 9** is a true and correct copy of Green-Duwamish River Watershed,  
10 PCB Congener Study: Phase 2 Source Evaluation.  
11
- 12 11. Attached as **Exhibit 10** is a true and correct copy of Johnson, Glenn, et al., 2000.  
13 “Resolving Polychlorinated Biphenyl Source Fingerprints in Suspended Particulate  
14 Matter of San Francisco Bay,” *Environmental Science & Technology*, 34:552-59.  
15
- 16 12. Attached as **Exhibit 11** is a true and correct copy of Bzdusek, P.A., J. Lu, and W.  
17 Christensen, 2006. “PCB Congeners and Dechlorination in Sediment of Sheboygan  
18 River, Wisconsin, Determined by Matrix Factorization,” *Environ. Sci. Technol.*,  
19 40:120-29.  
20
- 21 13. Attached as **Exhibit 12** is a true and correct copy of Soonthronnonda, P., et al., 2011.  
22 “PCBs in Great Lakes Sediments Determined by Positive Matrix Factorization,”  
23 *Journal of Great Lakes Research*, 37: 54-63.  
24  
25  
26  
27

1 14.Attached as **Exhibit 13** is a true and correct copy of Burkhard, L.P., and D. Weininger,  
2 1987. "Determination of Polychlorinated-Biphenyls Using Multiple-Regression with  
3 Outlier Detection and Elimination," *Analytical Chemistry*, 59:1187-90.  
4

5 15.Attached as **Exhibit 14** is a true and correct copy of pages 1-2, 41-42 of the deposition  
6 transcript of David Carpenter, M.D.  
7

8 16. Attached as **Exhibit 15** is a true and correct copy of the Rebuttal Report of Dr. Daniel  
9 Schlenk, Ph.D. in the instant matter dated December 17, 2019.  
10

11 17.Attached as **Exhibit 16** are true and correct copies of pages 38, 39, 42, 46, 50, 67, 68,  
12 and 148 from the Deposition of Dr. Daniel Schlenk in the above-styled matter.  
13

14 18.Attached as **Exhibit 17** is a true and correct copy of the Expert Rebuttal Report of J.  
15 Michael Trapp, dated December 17, 2019, in the above-styled matter.  
16

17 19.Attached as **Exhibit 18** is a true and correct copy of a presentation by the State of  
18 Washington Department of Ecology on November 14, 2019, entitled "Workshop on  
19 PCB Variances for Spokane River Dischargers," at the CenterPlace Regional Events  
20 Center in Spokane Valley, WA.  
21

22 20.Attached as **Exhibit 19** is a true and correct copy of the Expert Rebuttal Report of Joel  
23 E. Bowdan III, dated December 17, 2019 in the above-styled matter.  
24

25 21.Attached as **Exhibit 20** is a true and correct copy of the expert report of Kevin Coghlan,  
26 M.S., C.I.H., in the above-styled matter, dated October 11, 2019.  
27

22. Attached as **Exhibit 21** are true and correct copies of pages 1-9, 22-25, 70-73, and 286 from the deposition of Kevin M. Coghlan, taken on October 30, 2019, in the above-styled matter.

23. Attached as **Exhibit 22** is a true and correct copy of the Rebuttal Report of Kevin M. Coghlan, M.S., C.I.H. in the above-styled matter, dated December 17, 2019.

24. Attached as **Exhibit 23** is a true and correct copy of Breivik, K., et al., 2007. "Towards a global historical emission inventory for selected PCB congeners – a mass balance approach 3. An update," *Science of the Total Environment*, 377:296-307.

25. Attached as **Exhibit 24** is a true and correct copy of Breivik, K., et al., 2002b. "Towards a global historical emission inventory for selected PCB congeners - A mass balance approach: 2. Emissions," *Science of the Total Environment*, 290:199-224.

26. Attached as **Exhibit 25** is a true and correct copy of Chemical Manufacturers Association Special Programs Panel on PCBs, 1981. *Comments in response to two advance notices or proposed rulemaking relating to the manufacture of PCBs below 50 parts per million published May 20, 1981, by the Environmental Protection Agency* (46 Fed. Reg. 27617, 27619). Washington, D.C.: Chemical Manufacturers Association.

27. Attached as **Exhibit 26** is a true and correct copy of Agency for Toxic Substances and Disease Registry (ATSDR), 2000. "Toxicological profile for polychlorinated biphenyls (PCBs)," U.S. Department of Health and Human Services, Atlanta, GA.

28. Attached as **Exhibit 27** is a true and correct copy of Environmental Defense Fund, Natural Resources Defense Council, Chemical Manufacturers Association, 1983. "Recommendation of the Parties for a Final EPA Rule on Inadvertent Generation of PCBs."

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of February 2020.

By: s/ Brett Land

**BARON & BUDD, P.C.**

Scott Summy (*admitted Pro Hac Vice*)

Carla Burke (*admitted Pro Hac Vice*)

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Assistant City Attorneys

**GOMEZ TRIAL ATTORNEYS**

John H. Gomez (*admitted Pro Hac Vice*)

*Attorneys for Plaintiff City of Spokane*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system.

By: /s/ Brett Land  
Brett Land WSBA #53634